

REMARKS

Claims 1-20 are pending in the application. Claims 1-4 and 8-20 are rejected. Claims 5-7 are objected to. Claims 1, 5, 7 and 16 are herein amended. No new matter has been entered.

Specification

Applicants note that the term “pervskite” as used in claims 1 and 16 is a typographical error for the word “perovskite”. Applicants herein amend the claims to correct this term.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1, 2, 8-12, 16, 17 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Dhote et al.

Applicants note that claims 5-7 are indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants herein import the limitations from claim 6 to claim 1, and subsequently cancel claim 6 and amend claim 7 to depend from claim 1. Applicants further amend claim 5 into independent form.

Applicants submit that the above amendments overcome the rejection.

Claim Rejections - 35 U.S.C. §103(a)

Claims 3-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dhote et al. as applied to claims 1, 2 and 8-12 above, and further in view of Izuha et al.

The Examiner admits that Dhote et al. in Figs. 8-16 and related text on col. 8-10, as explained above, fails to teach the conductive metal oxide containing Sr as additive. However,

the Examiner concludes that it would have been obvious to have used Sr as additive in LaNiO_3 as suggested by Izuba et al. in Dhote et al. for improving in lattice matching, conductivity and surface flatness.

Applicants note that claims 5-7 are indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants herein import the limitations from claim 6 to claim 1, and subsequently cancel claim 6.

Applicants submit that the above amendments overcome the rejection of claim 1. Because claims 3 and 4 are dependent from claim 1 and necessarily include at least its limitations, Applicants submit that the rejection of these claims has been overcome as well.

Claims 13-15 and 18-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dhote et al. as applied to claims 1-2, 8-12, 16, 27 and 20 above, and further in view of Kurasawa et al.

The Examiner admits that Dhote et al. fails to teach the step of forming perovskite-type structure by sol-gel, interconnection, and the use of ferroelectric capacitor in acoustic wave element. However, the Examiner concludes that it would have been obvious to have formed the wiring as suggested by Kurasawa et al. in Dhote et al. for forming perovskite-type structure by either sol-gel or CVD or sputtering or laser deposition which is well-known and commercially available, and interconnecting the ferroelectric capacitor device to complete the circuit and perform a desired function in bulk or surface acoustic wave element.

Applicants respectfully disagree with this rejection, noting that Kurasawa et al. is properly a reference only under §102(e) because it was filed before the present application but

issued after filing of the present application. Because it is commonly assigned with the present application to Fujitsu, Inc., Kurasawa et al. may be removed as a reference by action of §103(c), which states that

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicants note that the present application and Kurasawa et al. were, at the time the invention was made and now, owned by the same person (Fujitsu, Inc.), thus removing Kurasawa et al. from use in any rejection under §103(a). Therefore, Applicants submit that the rejection of claims 13-15 and 18-19 should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

To the extent necessary, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension of time or any other fees that may be due with respect to the filing of this paper may be charged to the Westerman, Hattori, Daniels & Adrian, LLP Deposit Account No. 50-2866 (Atty. Docket No. 031021). Similarly, any excess fees may be credited to the above deposit account.

Respectfully submitted,

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